

REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the RCE submitted herewith and in view of the amendments, and the discussion that follows. Claims 1, 2, 4-8, 10-32 are pending, and claims 1, 2, 7, 8, 13, 16-18, 20 and 22-25 have been amended. Claims 1, 2, 4-8, 10-13 and 15-32 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,999,965 to Kelly in view of U.S. Pat. No. 5,479,488 to Lennig et al. ("Lennig") in view of U.S. Pat. No. 6,912,499 to Sabourin et al. ("Sabourin") in view of U.S. Pat. No. 6,029,124 to Gillick et al. ("Gillick") and in view of U.S. Pat. No. 5,475,733 to Eisdorfer et al. ("Eisdorfer") Claim 14 has been objected to as being dependent upon a rejected base claim but allowable of rewritten into independent form. After a careful review of the claims, it is believed that all the pending claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1, 7, 20 and 25 have been amended to incorporate features of claim 14 and to clarify that the initial greeting is a telephone answering greeting. Claim 13 has been amended to incorporate all the features of 14 as suggested by the Examiner. Claims 2, 8, and 14 have been amended to claim use of the customer or geographic location in determining the language. Claims 16, 17, 18, 22, 23, 24 and 25 have been amended to correct minor errors and/or dependency.

Claim 13 has been amended to incorporate claim 14 thus putting former claim 14 into independent form. Since the Office Action indicated this claim would be allowable, claim 13 is now believed to be in allowable form as are claims 14 and 15 which are dependent thereon.

All the independent claims make clear that an initial greeting refers to an unprompted answering greeting. None of the cited references discloses detecting an unprompted initial answering greeting as claimed. A previous Office Action indicated that the combination of Kelly, Lennig, Gillick and Eisdorfer do not disclose an "autodialing" type of call nor sampling of an initial audio portion of the call, and detecting and sampling an initial greeting within the initial audio portion, and stated the claims would overcome the prior art of record if so limited (Off. Action mailed 6/15/05, p. 6). All the independent claims 1, 7, 13, 19, and 25 have these limitations. The Office Action cites Sabourin teaching use of multilingual speech models to remove the step of prompting. Sabourin describes a multilingual speech model using sub-word units with common sub-word units between languages. However, Sabourin does not teach detecting an initial answering greeting, sampling the initial answering greeting, or fitting a plurality of traditional answering greetings in a plurality of languages to the sampled greeting. It does not address and discuss such greetings at all but uses sub-word units not traditional greetings. Thus, none of the references describe detecting or sampling an unprompted answering greeting, or fitting to a plurality of traditional telephone answering greetings in a plurality of languages.

The Office Action has cited Lennig for sampling an audio greeting (Lennig, Col. 6, lines 19-43). However, Lennig is an inbound directory assistance system and discloses the caller selecting a language in response to a prompt which asks for selection of a language (Col. 6, lines 1-18). Any such response is clearly not a greeting, nor is an initial greeting sampled in the initial portion and used to determine the language of the call. In fact, as an in-bound system, Lennig is not applicable

since no initial greeting from the customer is expected when the customer is calling in instead of being called. Col. 6, lines 19-43 of Lennig cited by the Examiner merely describes determining probabilities of locality names being requested, based upon the calling number, after the caller selects a language; Col. 6, lines 34-43 merely describes subsequently prompting the caller to identify a city; and Col. 8, line 8 - Col. 10. line 35 describes details for determining probability that a particular location will be selected. Nothing in Lennig discloses sampling an unprompted initial telephone answering greeting. Thus, Lennig fails to disclose use of an unprompted initial telephone answering greeting.

Thus, the cited combination does not teach or suggest all the claimed features and therefore the independent claims 1, 7, 13, 19, and 25 are distinguishable over any combination of the cited references. In addition, claims 2, 4-6, 8, 10-12, 14-18, 20-24, and 26-32 are believed to be allowable because they depend from allowable base claims.

In addition, the rejection under §103(a) relies upon a complex construction of numerous individual features each from a separate reference, many of which are incompatible with each other. This construction is accomplished only with use of hindsight based upon the teaching of the instant application with no teaching by the references to suggest combining them. The motivation suggested in the Office Action are also merely those taught by the application. As such, this hindsight construction of the invention is improper under §103 and therefore, all the claims are further distinguishable over the cited reference for the reason as well.

Further, claims 2, 8, 14, 15-18, 21-24, and 28-32 are directed to using customer, or location in determining the language of the system. The Office Action indicates that Lennig

teaches this. Citing, Col. 4, lines 45-50; Col. 5, lines 5-14; and Cols. 10, line 63 - Col. 11, line 4. and Kelly, Col. 3, lines 45-65. However, Lennig, in each cited passage does not describe using the information to determine the customer language as called for by the claim. Rather they describe other uses,, such as describing merely a database to store data for customers for a region and transaction recorder (Col. 4, lines 45-60); describing merely ani and a switch network (Col. 5, lines 5-14); and describing merely limiting the subset of localities that the system attempts to identify in a response to a locality prompt. Kelly at Col. 3, lines 45-65 merely describes call center agents at separate locations. None of the passage describe or suggest use of customer or location in determining the language of the customer. Thus, neither Kelly, nor Lennig, nor any of the other references disclose these features and therefore claims 2, 5, 14-18, 21-24 and 28-32 are believed to further distinguishable of this reason as well.

Accordingly, allowance of all pending claims 1, 2, 4-8, and 10-32 is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,
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March 22, 2007
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